

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Kevin McNulty
	:	
v.	:	Criminal No. 21-191
	:	
DAVID KUSHNER	:	<b><u>THIRD AMENDED</u></b>
		<b><u>SCHEDULING ORDER</u></b>

This matter having come before the Court; and the United States being represented by Rachael A. Honig, Acting United States Attorney for the District of New Jersey (by Edeli Rivera, Assistant U.S. Attorney, appearing); and the Defendant being represented by Jeffrey Dirmann, Esq. and Frank Agostino, Esq.; and the parties having conferred and having determined that this matter may be treated as a criminal case that does not require extensive discovery within the meaning of paragraph 3 of this Court's Standing Order for Criminal Trial Scheduling and Discovery; and the parties having agreed on an amended schedule for the exchange of discovery and the filing and argument of pretrial motions; and the Court having accepted such schedule, and for good cause shown,

It is on this 28th day of September, 2021, ORDERED that:

1. The Government shall provide all discovery required by Federal Rule of Criminal Procedure 16(a)(1) on or before November 9, 2021.
2. The Government shall provide exculpatory evidence, within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, on or before November 9, 2021. Exculpatory evidence that becomes known to

the Government after that date shall be disclosed reasonably promptly after becoming known to the Government.

3. The Defendant shall provide all discovery required by Federal Rule of Criminal Procedure 16(b)(1) on or before December 21, 2021.

4. The Defendant shall provide any and all notices required by Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3 on or before December 21, 2021.

5. The following shall be the schedule for pretrial motions in this matter:

a) The Defendant shall file any and all pretrial motions, pursuant to Federal Rules of Criminal Procedure 12(b) and 41(h), in the manner set forth in L. Civ. R. 7.1, on or before January 24, 2022;

b) The Government shall file any response to the Defendant's pretrial motions on or before February 7, 2022;

c) The Defendant shall file any reply on or before February 21, 2022;

d) Oral argument on pretrial motions shall be held on a date to be set; and

e) Pursuant to paragraphs 17 to 21 of the Court's Standing Order No 15-2, the Court shall, in consultation with the parties, schedule a final pretrial conference that will be held no sooner than two (2) weeks following

the disposition of pretrial motions. If appropriate, a trial date will be set at this final pretrial conference.

/s/ Kevin McNulty

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Honorable Kevin McNulty  
United States District Judge